

1895-040 Chancery Causes: Martha M. Irvin by bc vs. William Irvin
Lee Co.

Burgin, Green, Brewer

CA-Divorce
T-Vices

To the Hon. W. T. Miller, Judge of the Circuit Court for Lee County:-

Your oratrix, Martha M. Irvin, an infant of tender years, who sues by John S. Burgin, her next friend, complaining sheweth unto your honor that on July 11th., 1893, she married one William Irvin, who lived with your oratrix but a few weeks, when he deserted and left her, and has been living with other women; ~~since his marriage with your oratrix~~ that the said William Irvin has been guilty of adultery within the last five years next preceeding the institution of this suit; that such adulterous acts were committed ^{by him} without the consent, procurement or connivance of your oratrix; that she has not lived with or in any way condoned his said offense since she has had knowledge of the same; and that your oratrix ^{reside in} does now and has been a resident of this State and County for more than a year next preceeding the institution of this, her suit; and that your oratrix is an infant under the age of 21 years old.

The premises considered, your oratrix is advised that she has rights which are only cognizable by a court of chancery; her prayer therefore is that your honor take cognizance of her cause of complaint; that the said William Irvin be made a party defendant to this bill of complaint, and he ~~be~~ be required to answer the same on oath; that on proper proof being made by your complainant, she be granted a divorce from the said William ~~a vinculo matri-~~ ^{monii} for ever dissolving the bonds of matrimony now existing between your oratrix and the said William. And that she be granted all other and further and general relief, which the nature of her cause may require to meet out equity. And she will ever pray etc. May spa. issue & etc.

Summington Bros.
f. g.

Martha M. Irwin
vs. Bill for Divorce
William Irwin.

Martha M. Irwin Complt.

vs.

J^{ms} Irwin

Def^t.

In Chan.

This cause came on ~~on~~ this day to be heard upon the bill of the Complainant and depositions filed therein. On consideration of all which and it appearing to the Court that the defendant had been duly served with process for more than fifteen days before the first day of this term of the Court, it is adjudged ordered and decreed that the bonds of matrimony heretofore existing between said plaintiff & defendant be and the same is hereby dissolved and the plaintiff is granted a divorce a vinculo matrimonii; and the defendant is for ever restrained from again marrying. And it is further adjudged and decreed that the plaintiff recover from the defendant her costs in this cause and execution may issue therefor, and this cause is stricken from the docket.

Martha M. Irvine Lyce

vs Secrecial

Mar. Irvine

Q. B. Page 251

Enter this Nov. 8/95

M. L. M.

To William Irvine :-

Take notice, that on the 10th
day of October, 1895, at the law office
of C. W. Punnington, in the town of Pun-
nington Gap, Lee County, Virginia, be-
tween the hours of 8 A. M. and 5 P. M.
of that day, I shall proceed to take the
depositions of George L. Punnington and
others to be read as evidence in my
behalf in a suit in equity depending in
the Circuit Court of Lee County, Va., in
which I am plaintiff and you are
defendant; and if from any cause the
taking of said depositions be not com-
menced, on that day, or if commenced,
if they be not completed on that day,
the taking thereof will be adjourned and
continued from time to time and from
place to place, between the same hours
until they are completed.

Respectfully,

Martha M. Irvine.

Punnington Bros. & G.

Martha M. Irwin
Notice to Take
me. } Depositions

John Irwin

Executed on the 27th day
of Sept. 1895, by deliv-
ering a true copy of
the within notice to
Hiram Irwin. This
Sept. 27th 1895.
S. L. Garrison

Signature
to wit:-
The above return
is now to be before me
by S. L. Garrison
This Oct. 8th 1895.

Alfred M. P.

Virginia, Lee County, to-wit:-

The depositions of Harvey Green, Bud Brewer, and Patton Woodward, taken before me, A.G. Hyatt, a notary public in and for the County of Lee and State aforesaid, pursuant to notice hereto annexed, at the law office of E.W. Pennington, in the town of Pennington Gap, Lee County, Virginia, between the hours of 8 A.M. and 5 P.M. of that day, to be read as evidence in behalf of the plaintiff in a certain suit depending in the Circuit Court for Lee County, wherein Martha M. Irvin ~~xxx~~ is plaintiff and William Irvin is defendant.

Present, E.W. Pennington for the plaintiff,

" No one for the defendant.

Harvey Green a witness of lawful age after being duly sworn, deposeth and saith as follows:-

Ques. (1). Give your name, age residence and occupation.

Ans. My name is Harvey Green, I reside in Lee County, Virginia, and am 28 years old.

Ques. Are you acquainted with Martha M. and William Irvin, if so how long have you known them.

Ans. I am acquainted with said parties. I have known Martha all her life, and William about 14 or 15 years.

Ques. If you know tell where said Martha has lived for the last year or two.

Ans. She now lives in, and has lived and resided in the "Pocket" country in Lee County Virginia, for the last two years.

Ques. State whether or not, if you know, William Irvin has ever been guilty of adultery, that is has had sexual intercourse with any other woman than the said Martha? If so, when was it; and tell all about it.

Ans. I can't tell exactly the time, but it has been less than a year ago. I saw said William ^{from} carrying behind him on a horse and hugging a woman. The general reputation of this woman was bad for virtue and chastity.

Ques. Has the plaintiff, Martha, ever lived with the said William since this occurrence of which you have just detailed?

Ans. They have not, that I have known of, or ever heard of. I have lived in 3/4 of a mile of where she lives ever since I saw what I have detailed.

Ques. Have you ever heard said William Irvin say any thing about having sexual intercourse with other women than his said wife? If so, what was it, and when was it?

Ans. Soon after I saw what I have detailed, he told me that I had almost

caught him in the act of having intercourse with the same woman I saw riding behind him.

Ques. If you know, was this conduct of which you have spoken, brought about by the consent, procurement and connivance of the said Martha Irvin?

Ans. I suppose not. I don't think she knew any thing about what was being done by said parties.

And farther this deponent saith not.

his
J. Harvey Green
mask

William Brewer, another witness of lawful age, after being duly sworn deposes as follows:

Ques. Give your name age residence and occupation.

Ans. William Brewer, 24 years old, farming, and live in the Pocket Country in this County.

Ques. Are you acquainted with William and Martha M. Irvin? If so, how long have you known them?

Ans. I am acquainted with said parties. I have known Martha about four years and William about eleven years.

Ques. State whether or not, if you know, William Irvin since his marriage with said Martha has been guilty of adultery, that is has had carnal intercourse with any other woman than his said wife? If so, when was it.

Ans. About the first of March, 1895, I saw him riding carrying a woman of bad character behind him. About a year ago, I saw him in bed with a woman, and saw ^{him} on top of her. This woman was not his wife. I have seen this conduct more than once since he was married to the said Martha. I have been with him on these occasions. The last time time I have seen him having any thing to do with any woman has been about ~~4 to~~ 9 months ago. I have known of him having bad diseases, and saw him doctoring for it. He had the clap. This also has been since he was married to the said Martha.

Ques. Was or not these adulterous acts and conduct brought about by the procurement, connivance and consent of the said Martha?

Ans. No sir. She knew nothing of what was going on. I also saw him at one time

~~Ques.~~ out doors on top of a woman, and she with her clothes up. This was the last time I ever knew of him having any thing to do with a woman

Ques. Have the said William and Martha lived together as man and wife since said William did what you have detailed.

~~Ques. They have not the said Martha reside, and how long has she resided there~~
Ans they have not.

Ques. Where has the said Martha lived and resided since she left her said husband, and how long has she been living there?

Ans. She now lives, and has lived in this County, in the Pocket country ever since she left her husband, which was about two years ago.

And further this deponent saith not.

his
William Brewer
mark G

Virginia, Lee County, to-wit:-

I, A. G. Hyatt, a notary public in and for the County and State aforesaid do hereby certify that the foregoing depositions of J. Harvey Green, William Brewer were duly taken, sworn to and subscribed before me at the time and place mentioned therein and in the caption thereto, pursuant to the annexed notice. Given under my hand, this the 10th. day of October, 1895.

A. G. Hyatt N. P.

Martha M. Iruin
vs $\frac{3}{4}$ Depositions,
William Iruin

Octo 10 / 95

Received by mailing good
Condition Oct 11th 1895.
ad.

Filed Oct 11th 1895.

C. B. Munsey
Clerk

Notarys Fee. \$1.50

paid by Plff. —

Octo 10 / 95. Alfred M. P.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

William Drvin

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held
for the said Court on the *1st* Monday in *October*, 189*8*, to answer a

bill in Chancery, exhibited against *him* in our said court by

Martha M Drvin, an infant, who was
by John S. Burgin - her next friend.

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-
house, the *23rd* day of *Sept*, 189*8*, and in the

~~11~~ *120th* year of the Commonwealth.

A B Munsey Clerk.

M. Mulroin

SUPPENA

vs. { IN CHANCERY.
William Mulroin

P Bros p. q.

To 1st Oct Rules,

Circuit Court.

Executed on Sept. 27th 1895 by delivering a
true copy of the within Summons to said
William Mulroin. This Sept. 27th 1895.
S. L. Learner

Virginia County.

The above return made to before
me in my County of Virginia by S. L. Learner
Soc. Sec. under my hand this Oct. 27th 1895.

Attest Not Pub

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

William Irvin

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held
for the said Court on the *1st* Monday in *October*, 189*8*, to answer a

bill in Chancery, exhibited against

in our said court by

Martha M. Irvin

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-

house, the

day of

September

189*8*

and in the

12th year of the Commonwealth.

A B Munsey Clerk.

vs. { SUPÆNA
IN CHANCERY.

.....p. q.

To.....Rules,
Circuit Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

William Irvin

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held
for the said Court on the *1st* Monday in *October*, 189*5*, to answer a
bill in Chancery, exhibited against *him* in our said court by

Martha M Irvin

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-
house, the *23rd* day of *September* 189*5*, and in the
120th year of the Commonwealth.

A B Munsey Clerk.

Martha M. Irvin

SUPENA

vs.

{ IN CHANCERY.

William Irvin

P. Boos p. q.

To 1st Oct Rules,

Circuit Court.

Not Executed not
found this Oct 7-1895

W. P. Weston S. L. 6

Martha M. Irwin

vs. Bill for divorce

Mar. Irwin.

1895- 1st October rules bill
filed Spa Executed

" 2nd Oct rules Cause
Set for hearing by
plaintiff.

Plffs Costs

C 4.49

Atty 18.00

Co C 2.57
19.74

1890 to 1900

November the 8th 1895-

Were final O Bkt

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